

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
WORLD LEARNING, INC.)	FCC File Nos. 0000105716, 0000105724
)	
Request for Renewal and Reinstatement of License)	
for Private Operational Fixed Microwave Service)	
Stations WNTC203 and WNTC204)	

ORDER

Adopted: November 30, 2000

Released: December 4, 2000

By the Chief, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau:

1. *Introduction.* We have before us a request by World Learning, Inc. (World Learning) for renewal and reinstatement of its licenses for Fixed Microwave Service (FMS) Stations WNTC203, Brattleboro, Vermont, and WNTC204, Chesterfield, Vermont.¹ In conjunction with the applications, World Learning submitted a request for waiver of Section 1.949 of the Commission's Rules² to allow submission of its renewal applications after the licenses expired.³ For the reasons set forth below, we deny the waiver request and dismiss the above-captioned applications as untimely.

2. *Background.* Last year, the Commission adopted a new policy regarding treatment of late-filed renewal applications in the wireless services.⁴ Renewal applications that are filed up to thirty days after the expiration date of the license will be granted *nunc pro tunc* if the application is otherwise sufficient under our rules, but the licensee may be subject to an enforcement action for untimely filing and unauthorized operation during the time between the expiration of the license and the untimely renewal filing.⁵ Applicants who file renewal applications more than thirty days after the license expiration date may also request that the license be renewed *nunc pro tunc*, but such requests will not be routinely granted, will be subject to stricter review, and also may be accompanied by enforcement action, including more significant fines or forfeitures.⁶ In determining whether to accept and grant a late-filed application, we take

¹ See FCC File Nos. 0000105716, 0000105724 (filed Apr. 10, 2000).

² 47 C.F.R. § 1.949.

³ World Learning Request for Waiver (filed Apr. 10, 2000).

⁴ See Biennial Regulatory Review – Amendment of Parts 0, 1, 13, 22, 24, 26, 27, 80, 87, 90, 95, and 101 of the Commission's Rules to Facilitate Development and Use of the Universal Licensing System in the Wireless Telecommunications Service, *Memorandum Opinion and Order on Reconsideration*, WT Docket No. 98-20, 14 FCC Rcd 11476 (1999).

⁵ *Id.* at 11485 ¶ 22.

⁶ *Id.* at 11486 ¶ 22.

into consideration all of the facts and circumstances, including the length of the delay in filing, the reasons for the failure to timely file, the potential consequences to the public if the license should terminate, and the performance record of the licensee.⁷

3. World Learning's licenses for Stations WNTC203 and WNTC204 expired on March 7, 2000. World Learning submitted the subject renewal applications and waiver request on April 10, 2000, thirty-four days late.

4. *Discussion.* To obtain a waiver of the Commission's Rules, a petitioner must demonstrate either (a) that, in view of unique or unusual factual circumstances, application of the rule(s) would be inequitable, unduly burdensome or contrary to the public interest, or the applicant has no reasonable alternative; or (b) that the underlying purpose of the rule(s) would not be served or would be frustrated by application to the present case, and grant of the requested waiver would be in the public interest.⁸ Based on the record before us, we conclude that World Learning has failed to make a sufficient showing that acceptance and grant of its late-filed renewal applications are warranted under the circumstances presented. While World Learning requested a waiver, it failed to provide any information in support thereof.⁹ For example, World Learning failed to discuss why it failed to submit the renewal applications in a timely manner, one of the specific factors to be considered in determining whether the waiver and associated application(s) should be granted.¹⁰ As a licensee, World Learning is solely responsible for filing a timely renewal application.¹¹ Therefore, we conclude on the record before us that there is no reason to excuse World Learning's failure to timely file its renewal applications, particularly given that they were submitted over thirty days after the licenses expired.

5. Because World Learning failed to demonstrate that a waiver is warranted here, we deny World Learning's waiver request for acceptance of its late-filed renewal applications for Stations WNTC203 and WNTC204. In light of the denial of World Learning's waiver request, World Learning's renewal applications are late-filed.¹² Accordingly, World Learning's renewal applications must be dismissed as untimely.¹³ If World Learning wishes to obtain a valid authorization for these stations, it must file new, properly coordinated FMS applications.¹⁴ If World Learning desires to continue operating these facilities until it receives new authorizations, it must obtain authorization to do so.¹⁵

⁷ *Id.* at 11485 ¶ 22.

⁸ 47 C.F.R. § 1.925(b)(3).

⁹ *See* Waiver Request at 1.

¹⁰ *Id.*

¹¹ *See* Fresno City and County Housing Authorities, *Order on Reconsideration*, 15 FCC Rcd 10998, 10999 ¶ 5 (WTB PSPWD 2000); *see also* Plumas-Sierra Rural Electric Cooperative, *Order*, 15 FCC Rcd 5572, 5575 n.34. (WTB PSPWD 2000).

¹² 47 C.F.R. § 1.949(a).

¹³ *Id.*

¹⁴ *See* 47 C.F.R. § 101.103.

¹⁵ *See* 47 C.F.R. § 1.931.

6. Accordingly, IT IS ORDERED that pursuant to Section 4(i) of the Communications Act of 1934, 47 U.S.C. § 154(i), and Section 1.925 of the Commission's Rules, 47 C.F.R. § 1.925, the request for waiver filed by World Learning, Inc. on April 10, 2000, IS DENIED.

7. IT IS FURTHER ORDERED that the applications to renew the licenses for Stations WNTC203, Brattleboro, Vermont (FCC File No. 0000105716); and WNTC204, Chesterfield, New Hampshire (FCC File No. 0000105742) filed by World Learning, Inc. on April 10, 2000, ARE DISMISSED.

8. This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

D'wana R. Terry
Chief, Public Safety and Private Wireless Division
Wireless Telecommunications Bureau